

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE COLUMBIA UNIVERSITY
PATENT LITIGATION

MDL No. 1592 (MLW)

**DECLARATION OF PATRICIA CARSON IN SUPPORT OF PLAINTIFFS
WYETH AND GENETICS INSTITUTE'S OPPOSITION TO COLUMBIA
UNIVERSITY'S EMERGENCY MOTION TO DISMISS FOR LACK OF
SUBJECT MATTER JURISDICTION**

I, Patricia Carson, hereby declare:

1. I am an attorney admitted to the bar of the state of New York and am a partner at the law firm of Kaye Scholer LLP, counsel for Plaintiffs in the above captioned case.
2. I make this declaration in support of Plaintiffs Wyeth and Genetics Institute's Opposition to Columbia University's Emergency Motion to Dismiss for Lack of Subject Matter Jurisdiction.
3. Exhibit 1, attached hereto, is a true and correct copy of Columbia's Covenant not to Sue Plaintiff for Infringement of the '275 Patent as it Presently Reads for Products Made, Used or Sold on or before the Date of this Covenant, dated September 1, 2004.

4. Exhibit 2, attached hereto, is a true and correct copy of an email from David Gindler to Plaintiffs' Counsel, dated September 1, 2004.
5. Exhibit 3, attached hereto, is a true and correct copy the Transcript from the Teleconference with Judge Mark L. Wolfe, dated September 9, 2004.
6. Exhibit 4, attached hereto, is a true and correct copy of a letter from David Gindler to Leora Ben-Ami, dated September 13, 2004.
7. Exhibit 5, attached hereto, is a true and correct copy of a letter from David Gindler to Plaintiffs' Counsel, dated September 17, 2004.
8. Exhibit 6, attached hereto, is a true and correct copy of Wyeth and Genetics Institute's Complaint, dated August 20, 2003.
9. Exhibit 7, attached hereto, is a true and correct copy of a letter from Bruce Eisen to John White, dated February 27, 2002.
10. Exhibit 8, attached hereto, is a true and correct copy of a letter from John White to Bruce Eisen, dated August 6, 2002.
11. Exhibit 9, attached hereto, is a true and correct copy of a letter from Michael Cleare to M. Andrea Ryan, dated March 9, 2004.
12. Exhibit 10, attached hereto, is a true and correct copy of a letter from Michael Cleare to Genetics Institute, dated March 9, 2004.
13. Exhibit 11, attached hereto, is a true and correct copy of a letter from M. Andrea Ryan to Michael Cleare, dated April 8, 2004.
14. Exhibit 12, attached hereto, is a true and correct copy of Wyeth's Annual Report dated March 4, 2004.

15. Exhibit 13, attached hereto, is a true and correct copy of a letter from M. Andrea Ryan to Michael Cleare, dated May 4, 2004.

16. Exhibit 14, attached hereto, is a true and correct copy of a letter from Charles Miller to Paul Marks, dated February 24, 1981.

17. Exhibit 15, attached hereto, is a true and correct copy of the License Agreement relating to U.S. Patent 4,399,216 between Columbia University and Genetics Institute, dated July 31, 1990.

18. Exhibit 16, attached hereto, is a true and correct copy of an excerpt from the Biogen v Columbia Conference Transcript, dated June 22, 2004.

19. Exhibit 17, attached hereto, is a true and correct copy of a letter to David Gindler and Wayne Barsky from Kirke Hasson dated September 15, 2004.

Dated September 22, 2004



Patricia Carson